

Application No.: 09/974,581

Docket No.: JCLA7934

REMARKS

Present Status of the Application

Claims 1-9 are now pending in this application. The Final Office Action objected claims 2 and 7 because of informalities. Claim 5 is rejected under 35 U.S.C. 102(a) as being anticipated by Chi et al. (IEEE conference proceedings, "Blind Equalization using cumulant based MIMO inverse filter criteria for multiuser DS/CDMA systems in multipath", hereinafter Chi). Claim 1-4 and 6-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Chi in view of Inouye et al. (IEEE paper, "Super-Exponential Algorithm for Multichannel Blind Deconvolution", hereinafter Inouye). It is believed that the foregoing amendments add no new matter to the present application. Reconsideration of those claims is respectfully requested.

Discussion of Disqualification of the reference "Chi"

The inventorship of this application is changed as Chong-Yung Chi and Chii-Horng Chen. The inventive entity of the patent application, "Chong-Yung Chi and Chii-Horng Chen" is not different than the entity "Chong-Yung Chi and Chii-Horng Chen" of the reference Chi. Therefore, Chi is no longer valid as 102(a)/103(a) prior art because applicants' disclosure of their own work within the year before the application filing date cannot be used against them under 102(a)/103(a).

As discussed above, Chi is removed as invalid. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

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Discussion of Claim Rejection under 35 USC 102

The Office Action rejected claim 5 under 35 U.S.C 102(a) as being under anticipated by Chi.

As discussed above, Chi is disqualified as 102(a) prior art. Accordingly, this rejection should be withdrawn.

Discussion of Claim Rejection under 35 USC 103

The Office Action rejected claim 1-4 and 6-9 under 35 U.S.C. 103(a) as being unpatentable over Chi and Inouye.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue.

As discussed above, Chi is a reference published by joint inventors of this application, which means Chi is not qualified as a prior art under 35 USC 103 (a). Obviously, Inouye alone does not teach/disclose/suggest all features in all pending claims 1-9.

Consequently, the combination of Chi in view of Inouye does not render claims 1-4 and 6-9 obvious, and the rejection should be withdrawn. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Discussion of Claim Objection under 35 USC 103

Claims 2 and 7 are objected to because of informalities. Applicants amend claims 2 and 7 to overcome the objections.

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Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-9 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

Date :

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Respectfully submitted,


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